

REMARKS

Claims 1-37 are all the claims pending in the present application. Examination and favorable consideration of all pending claims are respectfully requested in view of the following remarks. Applicant submits that Groups I, II, III and IV should be prosecuted in this Application.

The Examiner contends that the present application contains claims directed to the following patentably distinct inventions:

- I. Claims 1-7, drawn to a molten pump, classified in class 266, subclass 239.
- II. Claims 8-15 and 25-37, drawn to a rotor shaft, classified in class 464, subclass 179
- III. Claims 16-20, drawn to a coupling, classified in class 403, subclass 342.
- IV. Claims 21-24, drawn to a rotor, classified in class 416, subclass 97.

REMARKS

1. Election with Traverse

Applicant hereby elects the inventions of Group I, pertaining to claims 1 to 7 with traverse, and asserts that Groups II, III and IV should also be prosecuted in this Application. Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

2. Argument in Support of Restriction Requirement Traversal

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (a) the inventions must be independent or distinct as claimed; and
- (b) there must be a serious burden on the Examiner if restriction is required.

MPEP § 803.01.

Applicant submits the Examiner has not established a proper basis for restrictions in this case with respect to Groups II, III and IV. The Examiner bases the restriction on MPEP §806.05(d), which states that “[t]wo or more claimed subcombinations, disclosed as usable

together in a single combination, and which can be shown to be separately useable, are usually restrictable when the subcombinations do no overlap in scope and are not obvious variants.” Here, the rotor shaft (Group II), coupling (Group III), and rotor (Group IV) subcombinations are disclosed together as usable in a single combination (i.e., the molten metal pump of Group I). The Examiner contends that each of the subcombinations has separate utility “such as use alone with other prior art components in a prior art molten metal pump.” However, as each of the subcombinations claim novel connecting structures, the subcombinations would not be separately usable, but would only connect with the other subcombinations as claimed. As such, the requirements of MPEP §806.05(d) are not met and restriction is not proper.

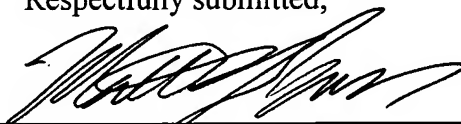
Conclusion

Applicant respectfully requests the Examiner to reconsider and withdraw the Restriction Requirement. If there are any issues which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

Respectfully submitted,

By



Matthew J. Evans

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Date

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